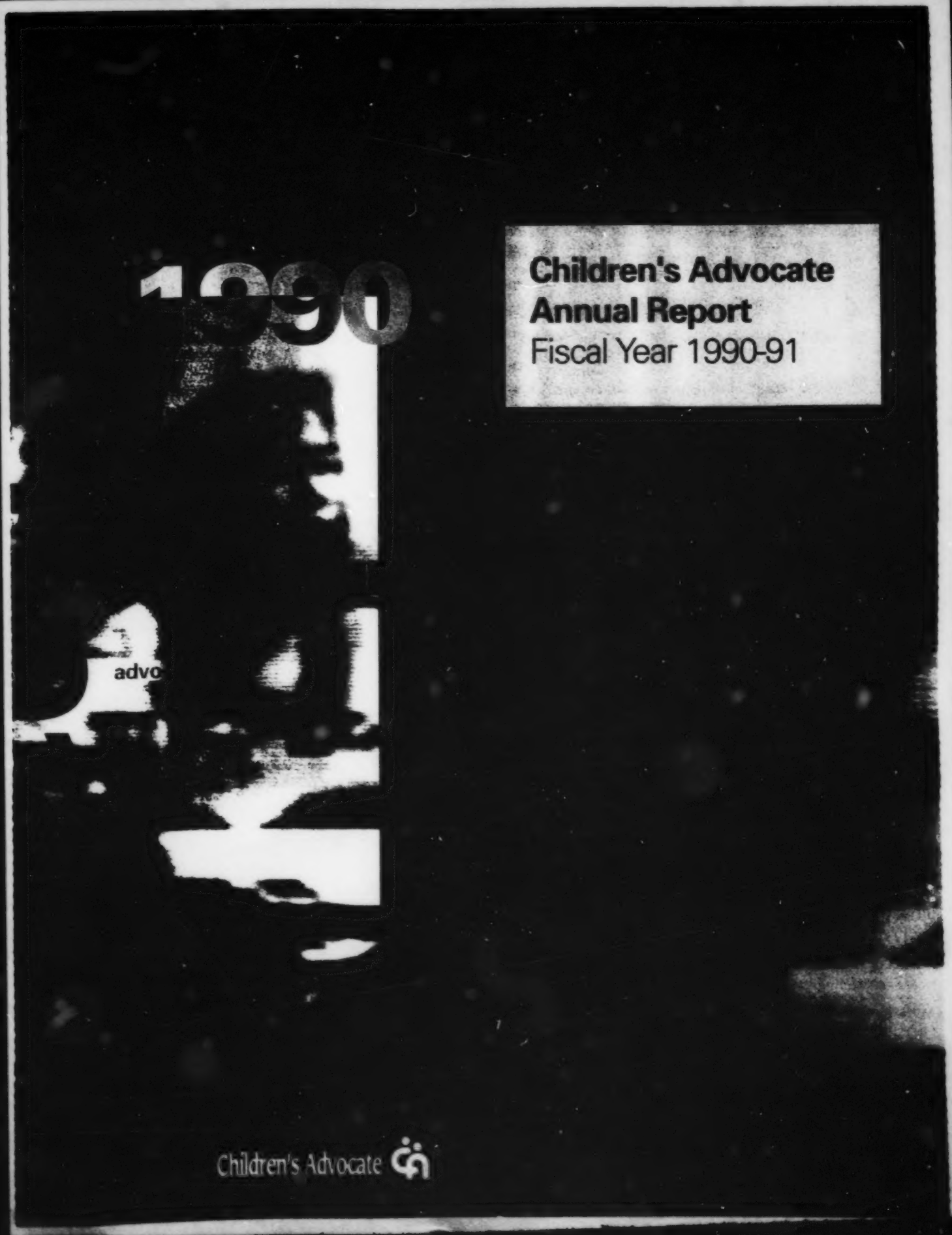

Children's Advocate Annual Report

Fiscal Year 1990-91

Children's Advocate

Alberta
FAMILY AND SOCIAL SERVICES

Office of the Minister

104 Legislature Building, Edmonton, Alberta, Canada T5K 2B6 403/427-2606 Fax 403/427-0954

To the Honourable Dr. David Carter
Speaker of the Legislative Assembly

Sir:

I am pleased to present the annual report of the Children's Advocate, which covers the fiscal year ending March 31, 1991.

Respectfully submitted,

John A. Oldring
Minister

Alberta
FAMILY AND SOCIAL SERVICES

Children's Advocate

14th Floor, Seventh Street Plaza, 10030 - 107 Street, Edmonton, Alberta, Canada T5J 3E4

December 31, 1991

Honourable John Oldring
Minister of Family & Social Services
Room 104, Legislature Building
109 Street & 97 Avenue
Edmonton, Alberta
T5K 2B6

Mr. Minister:

I have the honour of presenting you with the Annual Report of the Children's Advocate for fiscal year 1990-91. This report is required by S.2.1 (3)(e) of the Child Welfare Act for your presentation to the Legislative Assembly.

Bernd Walter
Children's Advocate

92-05471/

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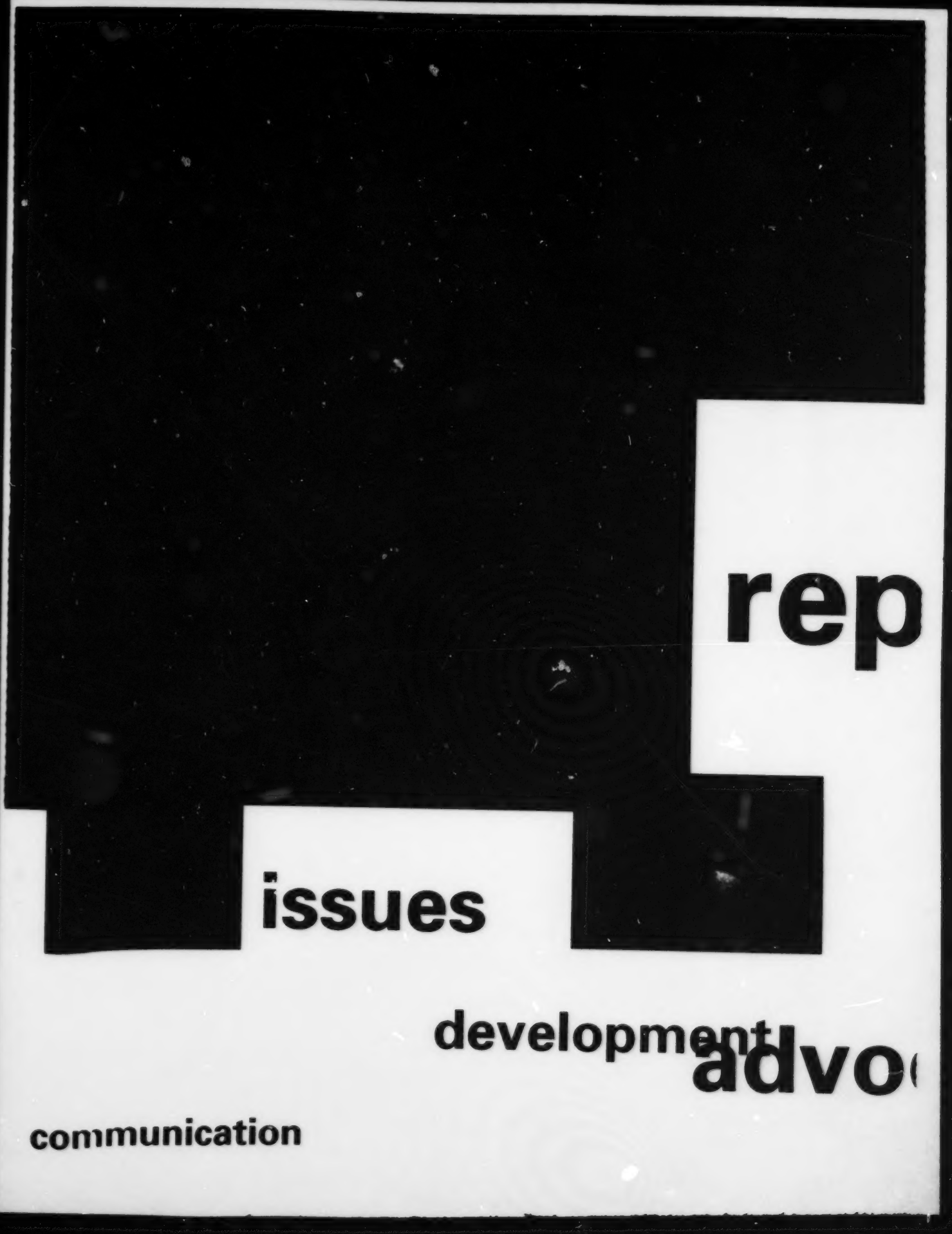
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Introduction

This document represents the second Annual Report of the Children's Advocate, covering the period from April 1, 1990 to March 31, 1991. As outlined in our previous (fiscal year 1989-90) Report the program has, during the past year focused upon the following priorities:

Case Advocacy, or the provision of advocacy to individuals and groups of children and youth;

Systemic Activity, or the pursuit of broader systemic issues which are identified in the course of our case advocacy involvement with youth;

Program Communications, or the development of a comprehensive communications plan, and the production of materials necessary to communicate the program's services; and

Program Development, or the development and implementation of program and management policy, processes and systems.

This report describes our progress in each of these areas.

In addition to documenting our activities, we again speak to issues which in our view represent critical challenges for the child welfare system, and offer observations and suggest recommendations with respect to these. (See Appendix 'A' for a summary of previous recommendations and the Department of Family and Social Services' response.)

Case Advocacy Statistics

This part provides essential data about our case advocacy activity for the year. Certain of our program data is compared with statistical information from the child welfare system.

It is anticipated that the quality of this information will be enhanced as work on our Information System (described in Part IV) proceeds.

Children's Advocate Caseload Activities, 1990 - 91

* A case may involve more than one child.

† A general inquiry represents a request for information about the Children's Advocate program or other programs for children.

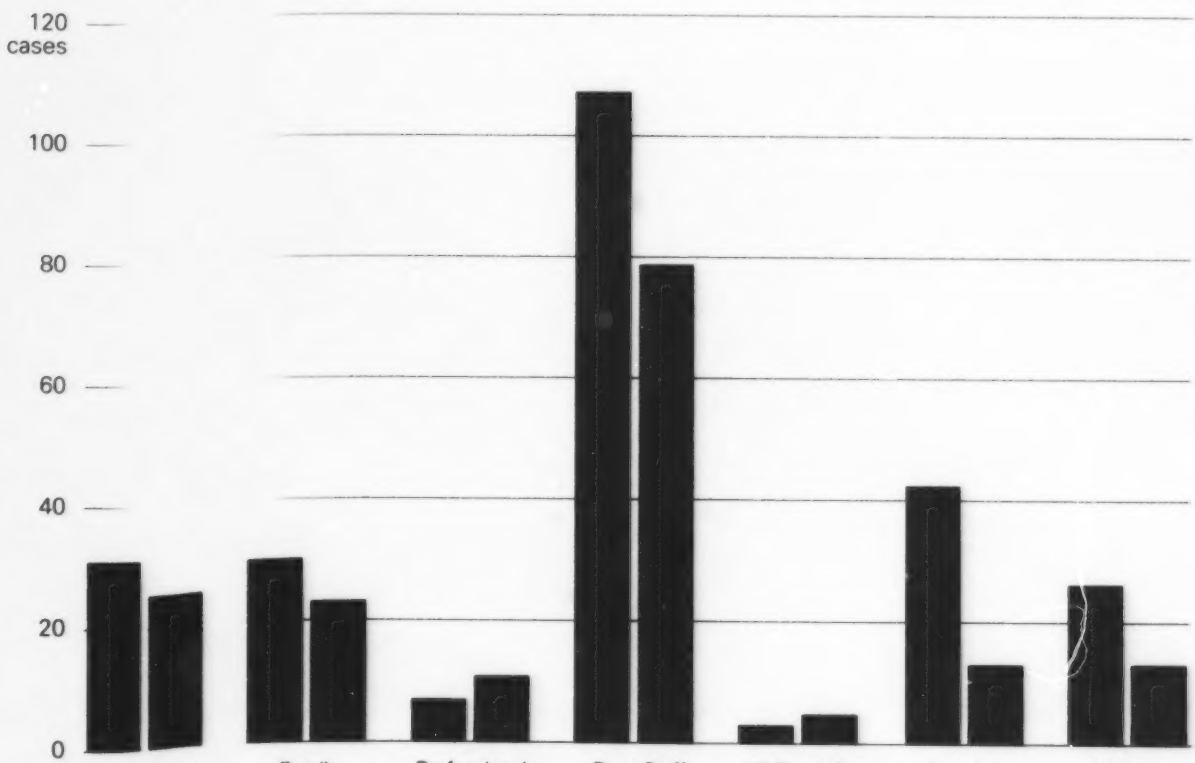
‡ Miscellaneous cases represent those situations where upon gathering information, the Children's Advocate determined that services were not required.

Case Activity*	South	North	Total
General Inquiry†	166	34	200
Miscellaneous‡	72	191	263
New Cases	180	259	439
Closed Cases	157	250	407
Cases Open: March 31, 1990	35	112	147
Cases Open: March 31, 1991	58	120	178

Children's Advocate Referral Source by North and South Alberta Areas, 1990 - 91

Note: 43% of Case Advocacy referrals came from AFSS staff. Self-referrals from adolescents increased as awareness of the program among such youth in care increased.

Produced by P.D. and Q.A. Child Welfare, AFSS, January 8, 1992

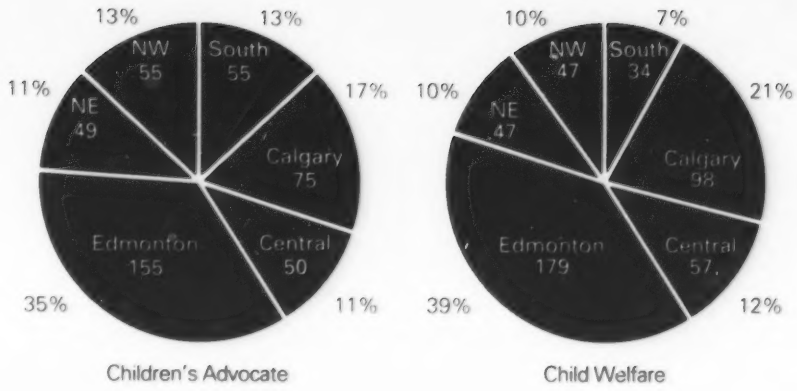


	Child/Youth	Family	Professionals	Dept Staff	AP Panel/Court	Caregiver	Other
North	33	31	9	108	5	44	29
South	26	25	12	80	7	15	15
Total	**59**	**56**	**21**	**188**	**12**	**59**	**44**

Children served by Children's Advocate compared to Children served by Child Welfare, by Region, 1990 - 91

*Month end case count average for 1990-91.

Produced by P.D. and Q.A.
Child Welfare, AFSS, January 7, 1992

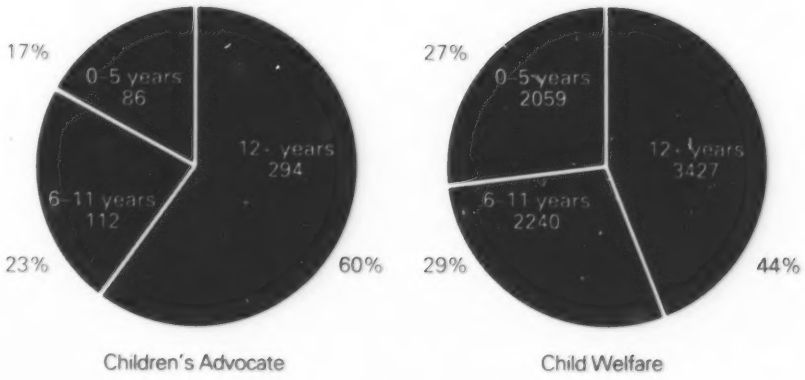


Age Groups of Children served by Children's Advocate compared to Children served by Child Welfare, 1990 - 91

Note: Compared with Child Welfare, children aged 0 -5 years are under-represented while adolescents are over-represented on Children's Advocate Caseloads.

*Month end case count average for 1990-91.

Produced by P.D. and Q.A.
Child Welfare. AFSS, January 7, 1992

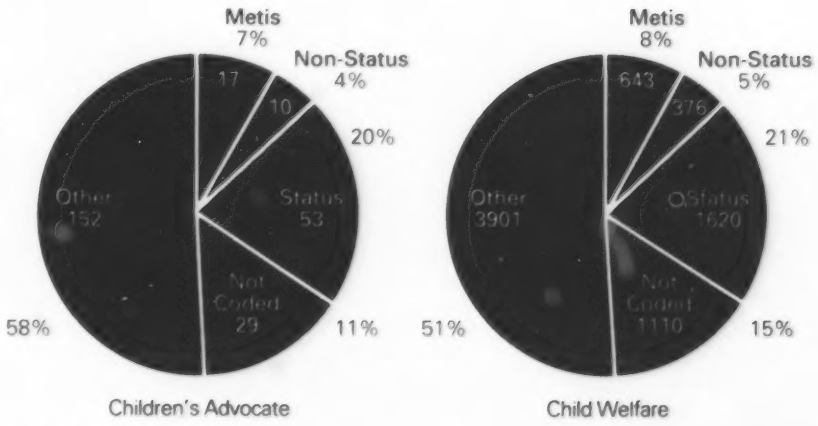


Native Status of Children served by Children's Advocate compared to Children served by Child Welfare October, 1990 - March, 1991

Note: The percentage of Native children on the Children's Advocate Caseload is similar to the percentage of Native children receiving services from Child Welfare.

*Month-end casecount average for Oct 1990 - Mar 1991.

Produced by P.D. and Q.A.
Child Welfare, AFSS, January 7, 1992



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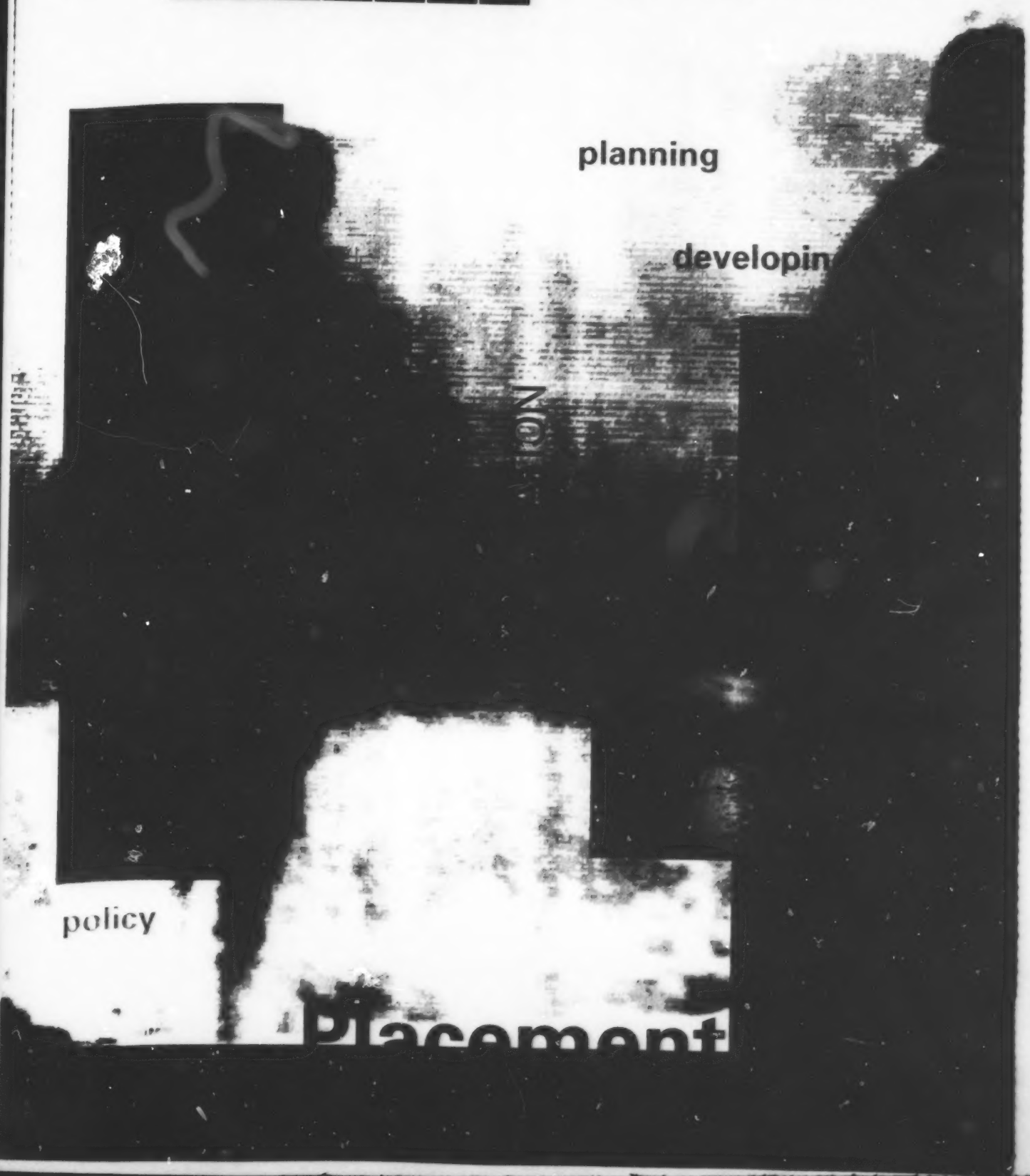


Systemic Issues

Introduction

The major focus of the program in 1990-91 continued to be the implementation of advocacy at the level of the child. Nonetheless, an attempt was made to structure the process of identifying, tracking, priorizing and addressing systemic issues which arise in the course of our case-specific advocacy. Developing, implementing and monitoring this process will be a priority for 1991-92.

The difficulty in approaching systemic issues is to assess the magnitude and importance of a particular issue in terms of its impact on children and youth. As a program of limited resources we feel it is necessary to speak to those issues which are identified in the course of providing actual ***case advocacy.*** This approach to systemic issues is, we feel, consistent with this program's focus on ***issues as experienced by youth,*** and avoids duplicating Departmental and community processes.

From a list of identified systemic issues, we determined that the following items warrant the attention of the child welfare system:

- The availability and quality of **placement resources** for children in care.
- The accessibility, appropriateness and youth's participation in **child welfare services which are provided to adolescents.**
- **Permanency Planning and Adoptive placement** of children in permanent care.
- **Systemic Delay** in child welfare decision making and service provision, and its impact on the 'best interests' of the child.
- **Youth Participation** at the case and systemic levels.

Our comments and recommendations with respect to these issues are discussed below.

SYSTEMIC ISSUE

Placement Resources

As of March 31, 1991, some 3,248 children in the care of the child welfare system required out of home care and accommodation. Such children are housed in a variety of settings, including institutions (447), group homes (369) and foster homes (2432). The child welfare system is the temporary or permanent guardian and custodian of these children.

There is evidence that youth in care are older (60% of the children having permanent guardianship status are 12 or older) and that their problems and needs are more complex than those of youth who were in care in past years.

It seems to be increasingly difficult for the child welfare system to accommodate the children for whom it is the parent or custodian. Budget restraint and commitments to reducing institutional care in favour of community based care may be occurring before alternative placement resources are in place. Moreover, the nature of existing resources may not be consistent with, or adequate to meet the needs of the children currently in care.

Placement concerns are a significant reason for referrals to the Children's Advocate office and of appeals to the Child Welfare Appeal Panel. Such referrals may come from youth, foster parents, contracted service providers, and the courts.

Some effects of placement non-availability or inadequacy may include:

- Protection decisions rather than being based on safety and security of the child may be influenced by questions of placement availability.
- More frequent placement disruption, discontinuity of relationships and impermanence for youth.
- Placement of children into settings which are inadequate or inappropriate to the child's needs, resulting in disruption or even the risk of abuse in care.

The following are some critical considerations for the *design* of a continuum of placement resources for children:

- The range of placement resources must be related to the

characteristics and needs of the children in care;

- Mechanisms which monitor and review the placement of children and their progress toward stability of placement must be developed and implemented; and

- Regional equity in terms of placement resources must be addressed.

In addition, the following *practice* considerations warrant attention:

- Aggressive, timely permanency planning for children in permanent care must occur;

- Decisions regarding individual placement and the design of the overall placement resource continuum should routinely involve youth.

Case example:

Turning things around

A 17 year old girl whose current lifestyle placed her at risk approached child welfare for assistance. She had formed a positive connection with a foster parent whom she saw as a support to changing her life, but required child welfare status which was refused due to her "poor track record."

The youth was assisted in making her case to a placement committee and a custody agreement was negotiated. She is now off the streets, in foster care and attending high school. In her view the current arrangement has a better chance of success because "in the past the system always. . . . forced me to go here or there. . . this time I'm doing it for me. I'm ready to change and . . .(have been) helped to prove it."

SYSTEMIC ISSUE

Services to Adolescents

A significant proportion of children receiving child welfare services are between 12 and 17 years of age (44% at March 31, 1991). Adolescents make up sixty (60%) percent of referrals to the Children's Advocate. This older population of youth presents the system with complex behaviourial and developmental challenges, yet based on our case experience, the practices, approaches, and resources of the system have not kept pace with the realities of their characteristics.

Some issues which typify referrals to our office include:

Practice Issues

There appears to be a tendency for child welfare practice to approach adolescents in the same way as younger children, such as:

- failure or refusal to value the youth's contribution/input into decision making and to consider his/her emerging need for greater autonomy;

- active resistance to youth participation in service planning including attendance at case conferences, placement committee reviews, etc.;

Case example:

Empowering youth

A youth unaware of her right to appeal the refusal of extended care and maintenance was provided with information as to eligibility and options.

She decided to pursue informal, administrative review of the decision and felt very empowered by the fact that she was able to present her own position.

A subsequent appeal to the Child Welfare Appeal Panel resulted in an extension of her care.

Commenting on her perceived lack of contact and personal support from the child welfare system and the stress of having to go through this process, she stated that she felt like a bird in a nest being told to fly and not knowing how.

- non-negotiated imposition of service plans and conditions, and inflexibility or even withdrawal of basic services if the youth disagrees with the plan or decision;
- failure or refusal to provide youth with information about services and options to render their input meaningful.
- failure to advise youth of rights to information, participation and to appeal decisions with which they disagree; and
- lack of credence that youth who leave home amidst 'parent-child conflict' situations, may be doing so for reasons which have to do with their protection and survival.

Planning Issues

The system seems ill-equipped to plan for and assist youth who are in permanent care to prepare for independence. Youth who graduate from child welfare systems at age 18 are expected to assume the responsibilities of adulthood. Yet systemic practices do little to prepare such individuals to assume roles of negotiating and decision making in the adult world. Research indicates that these youth are particularly at risk of homelessness, unemployment, mental illness, criminality.

Supported independent living programs are often designed to demonstrate success rather than to take risks with youth who need intensive support and assistance. Such services are generally offered to youth who have achieved a high level of responsibility and are psychologically stable, co-operative and have no criminal or substance abuse problems.

Children at large are relying on their families to an increasingly older age. Nevertheless, although contemplated by the Child Welfare Act, extension of care and maintenance to youth in care beyond 18 is provided restrictively.

Moreover, while the system continues to view adoption as the preferred permanency option for such youth, the reality of their situations, and factors such as ties with natural families, access issues, complex special needs, availability of homes and the youth's own wishes may make this an unrealistic or undesirable goal for many such young persons.

Service/Resource Issues

The notion that the child welfare system has not adjusted itself to serve the adolescent population is illustrated by the following issues:

- the inadequacy of financial supports, clothing and spending allowances;
- non-availability of appropriate placement resources;
- mandate confusion and inadequate co-ordination or integration among youth serving programs eg: education, health services, young offenders, social assistance.
- inadequate support programs for adolescent mothers; and
- non-availability of appropriate addiction and mental health treatment programs.

Again, approaches to such youth tend to be paternalistic and alienating with coercion being the means of resolving disagreements.

Re-Thinking Services to Adolescents

On a positive note, the Department will in 1991, be undertaking a comprehensive review of services to adolescents, involving relevant government departments and in partnership with significant community stakeholders. We look forward to participating in this important and timely initiative. We urge the project's managers to include appropriate and adequate representation from youth who are the intended beneficiaries of these services.

SYSTEMIC ISSUE

Permanency Planning for Adoption

One of the central goals of a child welfare system, aside from its protective function, is to ensure that a child's socio-emotional needs are met through the achievement of permanent, unbroken, affectionate relationships in a family-like setting. The *Child Welfare Act* (S.2(k)) requires decision makers to engage in permanency planning which will address the "child's need for stability and continuity of care and relationships."

Case example:

Enabling solutions

A biological parent requested permanent guardianship for her medically fragile child because she was unable to care for him. The child had been previously cared for by a foster family to whom he was attached, and the arrangement was one which enabled the continuation of the child's relationships with his mother, siblings and extended family.

However, once the child became the subject of a permanent guardianship order, adoption planning commenced which sought to terminate access to the natural family as well as to alter the child's placement.

A conference involving a Children's Advocate established a permanent placement which preserved the child's attachments to his biological family.

When it is determined that a child's biological family cannot or will not be able to adequately care for him/her, the *Child Welfare Act* contemplates termination of parental rights through a Permanent Guardianship Order. For children for whom permanent guardianship is the plan or who are already in permanent care, the system must be geared toward aggressive planning and service provision which seeks to establish new permanent familial relationships. For many such children the preferred approach to permanency planning is adoption.

In the course of our case specific advocacy work we have become aware of a number of systemic barriers to timely planning and decision making which supports the child's right to permanence. Specifically, a number of issues which impact the early placement of children for adoption have been identified. These issues appear sufficiently interrelated that some consideration or review of the approach to adoption appears warranted.

Legislative Issues

In the past year court decisions in the context of adoption petitions have resulted in uncertainty with respect to the meaning and effect of a Permanent Guardianship Order, and about the residual rights of biological parents which may survive such an order. The existence of such rights affects notions of finality and permanency which are fundamental to adoption practice, and threaten the security of placements intended to result in an adoption order. The legislation should clarify what rights of biological parents do or do not survive a Permanent Guardianship Order, and their effect.

Failing clarification, children for whom adoption is desirable, but who continue to have or desire access to their biological families, may not be considered or referred for adoption placement. Conversely, access to biological parents, which may, especially in the case of an older child be in the child's best interests, is being terminated.

Given that the age of children in care is increasing and that such children (unlike infants) often bring with them not only memories but significant relationships with members of their biological families, including siblings and grandparents, consideration should be given to legislative recognition of open adop-

tions or post-adoption access, where this would be consistent with the child's best interests.

Policy Issues

As well as clarifying the legislation, policy criteria should more clearly identify those children for whom adoption with or without access should be pursued as the case plan.

In addition, the status of placements which are probationary or with a "view to adoption," prior to the granting of an adoption order, should be reviewed. Specifically, this should address the respective authorities of the prospective adoptive parents and the Department, with respect to decision making about the child, and should clearly specify the circumstances and conditions which may precipitate removal of the child from the placement.

Resource Issues

In order to ensure the prompt movement of children out of care and into permanent adoptive homes, human resources must be allocated so as to guarantee timely referral and matching of children to prospective adoptive families; to ensure that homestudy reports are completed and; that adoption petitions and associated documentation is processed without undue delay.

Aboriginal Issues

In view of the reality that 46% of the children in permanent care are of aboriginal heritage, and given the emphasis of our legislation upon the placement of such children in culturally appropriate settings, a major effort to identify suitable Indian and Metis homes and placement resources is required.

Moreover, policy clarification is required with respect to the legislative requirement to 'consult' with Native communities about the placement of aboriginal children. Such consultation must be more than perfunctory and must be sensitive to the geographic, cultural and economic realities of the particular community being consulted. Indian and Metis child placement policies must be fully implemented in a manner which is considered 'reasonable,' not by the system, but by the communities.

Monitoring

In order to achieve the timely progress of children through the system and into permanent homes, consideration should be given to the establishment of a monitoring system which involves periodic review of the child's progress toward placement and which can ensure implementation of permanency plans in a manner which is consistent with the child's needs and the child's sense of time. Adoptive groups and advocates have expressed their support for and interest in participating in such a process.

Case example:

Timely resolution

Seven children were referred to the Children's Advocate office due to the length (8-9 months) and frequency of court adjournments.

Lack of resolution of the children's status was also hampering planning to secure long term placements for the children.

For these particular children it was determined that legal representation should be obtained to ensure their rights to timely resolution of the issues would remain a focus of the proceedings.

SYSTEMIC ISSUE

Delay in Decision Making and Service Provision

The goal of continuity and stability of care and relationships requires that placement and casework decisions be made and implemented without undue delay. A young child separated from adults with whom he/she enjoys a parental bond or attachment may suffer harm. Courts and caseworkers are therefore admonished to act quickly and in accordance with the child's sense of time in order to either maintain or re-establish permanent parental relationships and to minimize disruption of these.

Child welfare research indicates that **the longer a child remains in substitute care the less likely it is that he/she will either return to his/her own family or find an alternate permanent placement.** Such children often seem destined to drift from foster home to foster home, without the benefit of meaningful, affectionate relationships with significant adults.

The legislation, as well as the 'permanency planning' approach which has influenced casework practice, is intended to ensure that ***timely planning, decision making and service provision*** occur in order to ***minimize disruption*** in the child's primary relationships. For the child whose security cannot be ensured while in the care of his/her biological parents, ***new permanent familial relationships,*** for example through adoption, must be quickly established.

Case example:

Participating in solutions

A 15 year old youth objected to her lengthy placement in an institutional setting. Professional staff at the institution were also concerned about the appropriateness of the placement for this young person and her lack of progress there.

An Advocate arranged for the youth to express her views about the situation, to obtain information as to her options, and for her participation in a placement conference.

After attempting to abscond from the setting the girl requested placement with extended family in her home community.

The Advocate assisted her in negotiating with responsible case managers. The youth is now living with family members, is in school and doing well.

From her point of view, as well as her worker's, advocacy helped this youth to provide a reasonable option for her own placement.

The system is supposed to be geared to things happening quickly.

As mentioned in our previous Annual Report, delay which leaves children in legal limbo and impedes case decision making is, in spite of legislative intent, becoming a common experience.

Delay is creating considerable hardship for young people and is also a source of confusion and unfairness for families, for child welfare workers and for care providers.

In the absence of judicial adjudication as to the child's need for protection, child welfare workers naturally hesitate to embark on placement planning and service provision. Thus, children spend long adjournment periods in out of home care without clarity of goals and provision of the services required to either reunite them with their parents or to secure an alternative long term placement. Parents are left with no clear message about whether and under what conditions their children will be returned to them, and what services are required to enable them to resume care. Such lack of clarity of goals and expectations creates tension and conflict in the caseworker-parent relationship which may in turn diminish the chances for reunification.

Guardians should have an early opportunity to know, confront and defend allegations against them with respect to the care of their child. This is consistent with principles of natural justice and minimal intervention. Delay allows intervention to continue without the system having to substantiate the allegations on which its intervention is based and creates a kind of status quo which becomes difficult for parents to overcome.

It is becoming apparent that despite the principles of the legislation and the emphasis on permanency planning, timely decision making and service provision are not occurring. The implication is that a child's right to a timely decision about his/her future is being compromised and accountability, which is a major premise of the legislation is undermined.

In our view the issue is an urgent one and we recommend that the Department of Family and Social Services and other stakeholders, including the Department of the Attorney General collaborate and commit to resolution of this critical issue.

Case example:

Respect for the right to be heard

A group of siblings wished to express their viewpoints and opinions with respect to their future and requested the assistance of legal counsel to represent these views in Court. Despite the Advocate's urging, counsel chosen for these youth defined his/her role as one of representing his/her own view of the children's "best interests," which diverged from the expressed wishes of the children themselves.

These children ultimately felt frustrated by their inability to have their preferences adequately represented but felt positively about the Advocate's attempts to get the adult decision makers to listen to what they wanted.

SYSTEMIC ISSUE

Youth Participation in Decision Making and System Design

Our previous Annual Report speaks to the issues of participation and involvement of youth in case decision making as well as at the systemic or policy level. ***Real*** involvement of young people continues to be an issue for the child welfare system and for youth-serving agencies in general.

The fact that youth input is infrequently solicited is no doubt due to the belief that the systems which are set up to protect and pursue the best interests of children can and should be trusted to do so. It also continues to be a commonly held view that children do not possess the maturity and capacity to meaningfully contribute to decision making. From our perspective there is much to recommend involvement of children in decision making and service design.

The Developmental Aspect of Child Participation

As noted in the earlier report, child welfare services presumably have a stake in the larger societal interest of turning out reasonably well adjusted, functioning, autonomous adults. Yet the experiences of such children frequently leave them with histories of emotional problems and anger, which render them vulnerable to becoming dependent as adults.

It would seem important therefore, for the system to maximize opportunities for children to be involved in situations where they can practice negotiation and learn to become active participants in decision making about their lives.

The Value of the Child's Contribution

The governing legislation seeks to ensure that the child's views, preferences and opinions are ascertained, brought forward and duly considered in decision making. Such a principle must be based on the assumption that the child's voice will improve the quality of decision making and thereby advance 'best interests.'

Routinely involving or hearing from children as a source of information about their lives makes sense in terms of service effectiveness. For example, a youth's opinion about a placement which he/she experiences as supportive, loving, and

Case example:

Providing information/ options

A youth in care since age 12 was about to turn 18. Despite having been promised assistance to complete high school beyond age 18, she was told prior to her 18th birthday that her care would be terminated. She was not advised of a right to appeal this decision.

Termination of her child welfare status would cost this youth her current living situation and support for independence, and might result in her having to leave school.

A Children's Advocate provided her with information as to her rights and options in this situation including the right to appeal to the Child Welfare Appeal Panel.

Armed with this information she was able to negotiate an agreement for extension of care and maintenance.

Although she was very much her own advocate in this case she commented that she felt she had some power over her life and expressed the view that access to an advocate in the past could have made growing up in care easier for her.

accepting can surely contribute to placement stability. Moreover, a young person is likely to view a placement or service approach which he/she has helped to choose as more effective. Conversely, an enforced decision is less likely to succeed if a young person is determinedly opposed.

Children may be good sources of information about individuals within their immediate or extended families or communities who could act as temporary caregivers or advocates. Such an approach may avoid needless removal to some distant placement and enable children to maintain continuity of family, peer, school and community relationships.

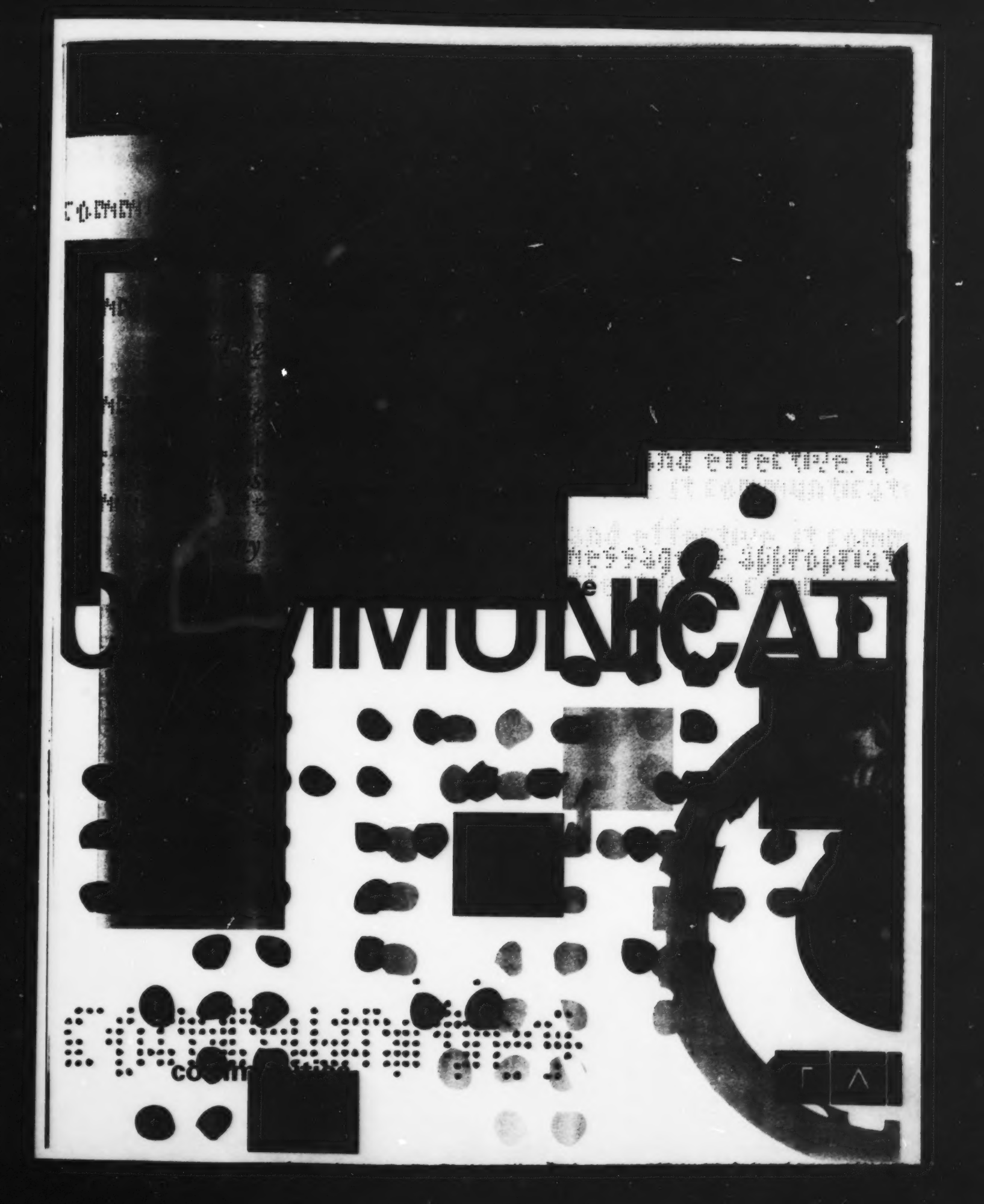
The only apparent justification for excluding information and participation from affected youth rests on the dubious assumption that others know best or that such information is irrelevant.

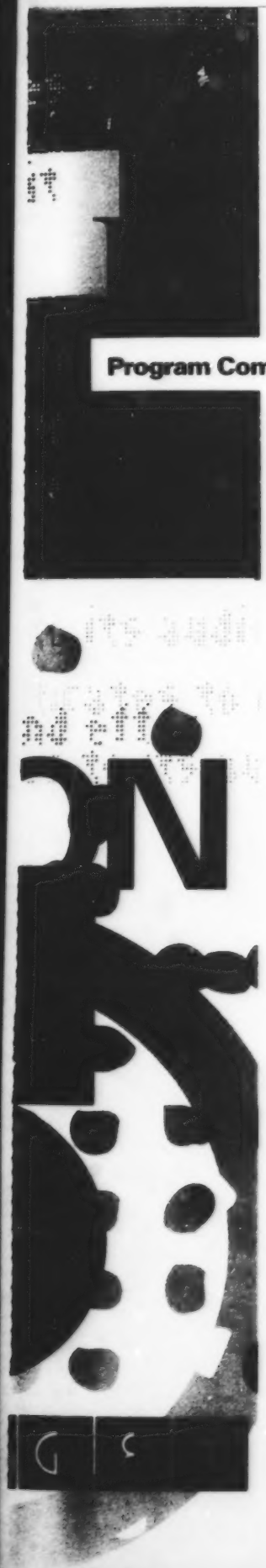
Participation as a Matter of Right

Modern child welfare legislation has adopted the principle of "the best interests of the child" as the paramount consideration. This principle promotes and emphasizes consideration of the child's views and preferences in all aspects of the process. In child protection matters the child has interests which are distinct from the other parties. In such proceedings principles of fairness and natural justice demand the right to have a voice. The injustice of not feeling heard in a decision about one's own future is surely no less acute simply because the subject of the decision is a child.

According statutory recognition to the child's voice implies that voice must be sought out and included in ***all*** decision making. Such involvement, in judicial, administrative and day to day case decision making and conferences, must be established as unconditional policy and practice requirements, and be supported by the procedural means to insist upon such participation.

Simply providing the means to participate may be of dubious value without access to the information needed to render the participation informed and meaningful. Thus, broad routine access to information, and the implementation of procedures which ensure the child has notice of a pending decision, is informed about the subject of the decision and of available options or alternatives, are also required.





Program Communications

Communication with a variety of audiences and stakeholders about the services and approaches of the Children's Advocate continued to be a priority activity for 1990-91. A list of presentations made throughout the year is contained in Appendix 'A.'

As well, a communications plan was developed:

- To identify and priorize primary target audiences;
- To determine the essential messages required by and purposes of communication to these audiences;
- To develop the most appropriate and effective means of communication with these audiences; and
- To have staff undertake the ongoing communications activities of the program.

A variety of communications resources have been produced and are now being utilized, including:

- Posters.
- Toll free telephone line.
- Standard masthead.
- Information sheets and packages summarizing key aspects of the program.
- Youth friendly stickers, greeting cards and 'calling' cards.
- General information brochure aimed at adult audiences.
- Video production entitled "Someone to Listen," produced in collaboration with Native Counselling Services of Alberta.

Youth Communicating With Youth

A joint communications project between the Children's Advocate and the Association for Youth in Care (Edmonton)

"We just want someone to listen to them."
IN EDMONTON 422-6056
IN CALGARY 297-8435
the Children's Advocate
may be able to help.
Call the Children's Advocate
422-6056 in Edmonton
Office hours 8:30 a.m. to 4:30 p.m.
Monday to Friday
Together we can make a difference.
Children's Advocate

Some of the communications materials produced for a variety of audiences.

The scenes from the video that appear throughout this Annual Report are from the production, "Someone to Listen."

was undertaken. This association is comprised of young persons 'in' and 'from' the care of the child welfare system, and functions as a support and advocacy voice for such youth. The project enjoyed the support of the Edmonton Region of Alberta Family and Social Services.

The object was to inform young people residing in institutional and group settings, in and around Edmonton, about the existence of the Association and of the Children's Advocate program and the services which it provides to such youth. The project was conceived and carried out by and with young persons from care, enabling them to establish contact with other young people in care.

Communicating with Aboriginal Communities

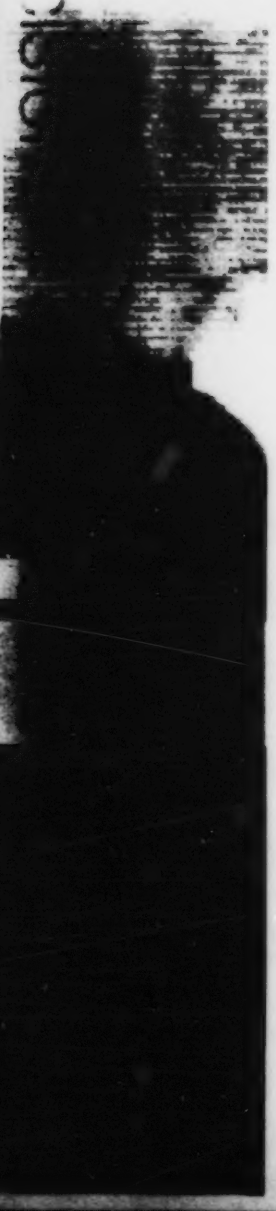
Two BSW practicum students, on placement with our Northern Alberta office, undertook to develop a special set of recommendations about how the Children's Advocate program might introduce itself to, and communicate with Native communities in a manner which is appropriate to and which respects the patterns and traditions of such communities. Together, Carolyn Peacock and Judy Simmonds, presented the program with an Information Guide on Communicating with Native people. Their work has been gratefully received and further shared by our program with others in the Department of Family and Social Services.

The need to communicate with and to hear from Native communities continues. Early in 1991-92 the program will be implementing a Native Liaison Project. This initiative will be dedicated to achieving the following objectives:

- to initiate contact with Alberta's Native and Metis communities and groups;
- to communicate the roles and functions of the Children's Advocate program;
- to work toward the establishment of positive relationships with these groups and communities; and
- to assist in the development of relevant approaches to advocacy on behalf of children by and with these groups and communities.

IV

Policy and Program Development



Children's Advocate Information System

The development and design of an automated, microcomputer based information system has been initiated and recommended to the Minister for implementation. Such a system is intended to meet the following objectives:

- the tracking of case progress;
- the documentation of activity outcomes;
- the identification of systemic issues; and
- the production of statistical reports.

This system will provide an important source of information about the process and impact of advocacy for children, as well as about the child welfare system and the services which it provides. It will also provide advocates with remote access to case files and to the Child Welfare Information System.

The first phase of this project, to be completed in fiscal year 1991-92, will automate the capture of statistical data currently being maintained manually. A second phase in 1992-93 will implement an information network among the three Children's Advocate office worksites.

Other Developments

The following is a list of some additional program policy and program development activities undertaken in 1990-91:

- A systematic approach to collecting and indexing relevant child welfare court and appeal panel decisions was implemented.
- A *case management process* was developed.
- Monthly reporting of case advocacy volume statistics was initiated.
- Guidelines for the *secure handling of client files* were implemented.

- The child welfare policy on ***automatic notifications*** to the Children's Advocate was reviewed and it was determined that the Quality Assurance unit of Child Welfare Services would continue to monitor these reports.

- A process for ***collecting, assessing and priorizing of systemic issues*** was developed.

- A ***standardized filing system*** was designed and implemented in all three worksites.

Appendix 'A'

Department of Family and Social Services
Response to Recommendations in First Annual Report of the Children's Advocate

Fiscal Year 1989-90

Introduction

The first annual report of the Children's Advocate, covering the fiscal year 1989/90, has been submitted to the Minister. The report includes a number of recommendations for improvement in Alberta's Child Welfare system.

This document summarizes the departmental responses to the Advocate's recommendations.

Recommendations	**Departmental Response**
Implementing the Vision	
We recommended the establishment of a process of review to examine and report to government whether or not the continuum of services as well as the casework practices implied by the principles have indeed been realized. *Such a review should address the following critical issues or dimensions:*	The department is appreciative of the Children's Advocate's recommendations and will be working directly with him to ensure that the intent of his recommendations is achieved. It should be remembered that this first Annual Report covers a period ending in March, 1990. In the ensuing year and a half, a number of initiatives have been implemented or commenced, that in part, address some of the Advocate's concerns. These include the development of workload standards and a Quality Assurance Unit, the implementation of a standardized Case Management Model across the province and the approval to introduce a new Foster Care Model in Alberta.
• *an assessment of the range of youth and family needs which are appropriate to the mandate of a child welfare system;*	A standard case management system will have been implemented by December 31, 1991 which will track youth and family service needs. Based on information from this system a formal review of youth and family needs will be completed in 1993.
• *the range of services required to respond to these needs;*	The case management model will also track whether or not client needs were provided. This information should provide an appropriate base to determine the range of services required and will be part of the study completed in 1993.

- *an examination of the social and economic factors which contribute to the need for child protection services;*

Due to the variety of factors linked to the need for child protection services, a number of government initiatives with a focus on prevention will help reduce the incidence of children requiring protection. These initiatives include efforts to reduce the social allowance caseload and to reduce family violence. Implementing the recommendations made following a review of the family and Community Support Services program would also be beneficial.

- *an examination of the way the departments and services are structured or organized and the extent to which this contributes to the capacity to hear and respond to the youth and families they are intended to serve;*

The department completed a major review of its organization and structure in 1991 which will result in departmental reorganization in 1992. In 1993 the aforementioned study will result in a review of both the child welfare mandate and an examination of the new structure in relation to the mandate.

- *a review of the effectiveness of the service approaches and professional child welfare practices which currently exist to meet the needs of youth and families;*

A Quality Assurance unit became operational within the Child Welfare Branch in 1991 and is mandated to review and analyze case management practices on a systematic basis. Every child welfare unit in the province is visited twice yearly. Quarterly reports are completed and a means of gaining feedback on the quality of services as experienced by clients is being developed.

Workload standards were developed in major program areas during 1990 resulting in a significant decrease in the caseload of most child welfare workers.

Clinical practice standards will become a priority within Child Welfare once other major initiatives underway have been completed.

- *acknowledgement and implementation of the preventive, family support mandate, as envisaged in s.2(e)(i) of the Act;*

Legislation enabling voluntary support agreements to be completed with parents or youths over 16 which was implemented in 1985 provides for support to clients in their homes, thereby avoiding bringing children and youths into care. As of August 31, 1991, 34% of children and youths receiving protection services were served under these agreements which represents the single largest category of services being provided.

All of the regions are working to develop better ways of preventing children from coming into care. For example, as a result of a two year innovative in-home family support program in Bonnyville, the department has expanded the program to other offices in that Region.

• *examination of the role of, and the realism and practicality of expectations of communities and volunteers, including the feasibility of planning and allocation processes which give meaning to notion of partnership with community.*	The department has focused in recent years on the improvement of internal systems which are mostly in place now, therefore, greater priority can be given to the enhancement of community partnership.
• *the feasibility of integrating departmental mandates and authorities in order to more effectively serve multi-problem youth and their families.*	A number of initiatives have been directed at coordinating services between departments. A protocol was recently completed with the Solicitor General regarding the provision of services to young persons with status in both departments. Discussions with the Department of Health have focused on options for the delivery of services to children and families experiencing mental health problems. A review involving four other departments, community representatives and youths is currently examining services to 16 and 17 year olds.

The Right to Information and Participation

We recommend *the implementation in practice of the rights to participate in and influence decision making which are already afforded to youth in the Child Welfare Act (Appendix 'A'), particularly:*	The introduction of a Children's Advocate Office is indicative of the government's commitment to ensuring rights of children are protected. While gains have been made in this area, specific goals will be set with the Children's Advocate to ensure this commitment is maintained.
• *the right of children to be informed on entry to, and throughout their stay in care, of information which the system has about them and upon which it bases its decisions;*	A policy statement on client access to file information has been approved for implementation in 1992. Staff will be trained to ensure the children and youth are informed of their rights upon entering the child welfare system. Plans are underway to develop a manual for young persons entering the system which would inform them of their rights and help them understand the child welfare system.
• *the right to know of substantive and procedural rights which are afforded to children in legislation and which support children's rights to participate in and question decisions which are made on their behalf;*	Discussions will be held with the Children's Advocate to determine how the child welfare system can best achieve the intent of this recommendation.
• *the right of children in care to some degree of privacy, and the private own-*	The department believes that this recommendation is currently being met. Discussion were held with the Children's Advocate

ership of personal possessions;

- *rights to grievance processes which are impartial and independent and to the Ombudsman, the child's M.L.A., or another independent advocate.*

on this matter.

Specific policy will be developed to ensure that children and youth are made aware of their rights when they first have contact with the child welfare system. An internal review of departmental administrated appeal mechanisms is also underway.

Systemic Involvement of Youth

We recommend that serious consideration be given to the appointment of youth from care to the Child Welfare Appeal Panel as well as to other advisory bodies which deal with the issues of children and families; and that the views of youth in and from care be routinely included in the policy development process.

The department supports the involvement of youths from care in an advisory capacity and direct support of the Association for Youth in Care demonstrates this commitment. This recommendation will also be discussed with the new board of directors of this agency.

The aforementioned review of services to 16 and 17 year olds will have representatives from youth in care on both the steering committee and the working committee.

Legal Representation of Youth: The Role of Counsel

We recommend that lawyers who have an interest in this area be provided with and undergo specialized training which focuses upon their abilities to communicate with and take instructions from child clients.

This recommendation will be discussed with the Family Law Branch of the Attorney General's Department with the intent of subsequent discussions with the Law Society and the legal education institutions.

Court Adjournments: Best Interests Delayed

Undue delay in the legal process can seriously impact upon the rights and interests of youth and for whatever cause for such delays we recommend review of this problem.

A paper prepared as a separate initiative by the Children's Advocate recommended a study be conducted on systemic delay which is supported. Consultation will occur with the Children's Advocate to discuss terms of reference and time frames for the study.

Foster Parents as Advocates for Youth

We recommend as basic empowerment strategies:

Participation

Foster parents having firsthand knowledge of the child's daily life, should routinely have full rights and opportunities to participate in case conferences/plans and in review proceedings in court and should have delegated to them most day to day decisions for the child.

Considerable emphasis on improving the foster care system has occurred over the past two years. Rates are being increased, a new Foster Care Model has been adopted, and additional manpower resources have been allocated to the program. Treatment foster homes are to increase. The department supports the basic empowerment strategies recommended.

The new model emphasizes team work and participation of foster parents in case management processes.

Access to Information

Be given access to complete information about the child including medical, legal, family history.

Policy will be reviewed to ensure that foster parents' access to information and protection against arbitrary removal of children are reinforced with clear direction to field staff.

Protection Against Arbitrary Removal

Key Themes and Issues for Native Communities

It is recommended a renewed effort and investment in building, maintaining and enhancing real, meaningful and workable relationships and dialogue with native bands and communities is required.

The department has displayed leadership in terms of legislative and policy reform in the Native child welfare area and several agreements have enabled some Indian Bands to provide their own child welfare services, resulting in fewer Native children coming into care. Administrative reform involving the federal government and Indian Bands, if approved, might increase the number of agreements reached.

During consultation with the Native community in November, 1991 on foster care issues, senior departmental officials acknowledged the need for a stronger partnership with the Native community and a commitment was made for greater involvement with Native people in the development of policies and programs affecting Natives.

We urge the implementation of recommendations made both by the Minister's Advisory Committee on Native Child Welfare and the Ombudsman respecting the proportionate representation of native and Metis individuals on the Child Welfare Appeal Panel.

The department is reviewing the matter of proportionate representation of Native and Metis individuals in the Child Welfare Appeal Panel.

We recommend that issues of rate parity between provincial and federal programs be pursued in order to make it realistically possible for extended families to care for aboriginal children within their own communities.

The issue of rate parity is being reviewed within the Department and recommendations will be submitted to the Minister.

Appendix 'B'

1990 - 1991 Presentations by Children's Advocate Staff

Edmonton Public School Board, Social Work Consultants

Provincial School Attendance Board

Government of Northwest Territories Regional Child Welfare Staff, Fort Smith

Alberta Ombudsman Staff

Joint Committee Meeting - Blood and Peigan Band representatives and Family and Social Services, Lethbridge

Youth Emergency Shelter, Edmonton

University of Calgary Faculty of Law

Guest Lecture re: Child Welfare Legislation and the C.A. Program

Siksika Social Services Board, Gleichen

Faculty of Social Work, Edmonton

Guest Lecture

Blood Tribe, Blood Reserve

PACE Crisis Line Volunteers, Grande Prairie

Treaty Six - Health Nurses

Group Five Director and Staff, Edmonton

Project Second Chance Director, Edmonton

Sturgeon Lake Reserve Child Welfare Committee

Boyle Street Co-op, Edmonton

Edmonton Inter-Agency Youth Services Association

Native Counselling Services - Native Court Workers, Edmonton

Centre for Child and Adolescent Development, Edmonton

Public Schools - Junior and Senior High School Counsellors, Strathcona County

Oakhill Foundation Board, Bon Accord

High Level Foster Parent Association

Alberta Mental Health, St. Paul

Marlborough Receiving Group Home, Calgary

Avenue 15, Calgary

Boys and Girls Club, Calgary

Special Needs Adoption Counselling Services, Calgary

Boys and Girls Club, Airdrie

Aunts at Large, Calgary

Child Focus Counselling, Calgary

Calgary Task Force on Family Violence, Calgary

Calgary Family Services, Calgary

Calgary Integrated Services, JIMY and CLIP Program

Safe House, Calgary

Parent Aid Program, Calgary

Beulah Acres Group Home, Black Diamond

Lindan Family Services, Calgary

Richmond Family Services, Calgary

Society for Treatment of Autism, Calgary

McGregor Group Homes for Children, Calgary

McMann Receiving and Assessment Centre, Edmonton

McMann Picture Butte Group Home

Siksika Social Services, Gleichen

Saamis Treatment Centre, Medicine Hat

Ad Infinitum Group Home, Calgary

Kookonnoni Group Home, Standoff

Lions Park Group Home, Calgary

Wellington Place Group Home, Calgary

Sifton Treatment Centre, Lethbridge

Westside Group Home, Lethbridge

Heritage Family Service, Red Deer

Red Deer Community Service Network

Red Deer Foster Parent Association

Wetaskiwin Foster Parent Association

Justamere Group Home, Wainwright

Denovan Place, Red Deer

Direwood Treatment Centre, Red Deer

Phoenix Place, Calgary

Mt. Royal College - Social Worker Course, Calgary

Enviros Director, Calgary

Mitchnik Group Home Director, Calgary

Salvation Army Children's Village, Calgary

Betty Johnson Group Home, Calgary

Hull Child and Family Services Director, Calgary

Paul McDowell Director, Calgary

Gemma Resources Director, Calgary

Fee for Service Coordinators - Family and Social Services, Central Region

Child Welfare Case Work Supervisors, Stettler

Child Welfare Appeal Panel Members

Child Welfare Basic Training Courses

Lac La Biche Youth Assessment Centre

PARC Chairperson, Plaza 14, Calgary

Willowpark PGO Teams, Calgary

Plaza 14 Investigation - Rural Team, Family and Social Services, Calgary

Plaza 14 - Native Unit, Calgary

Plaza 14 - Managers and Staff, Family and Social Services, Calgary

Plaza 14 - Supervisors, Family and Social Services, Calgary

Child Welfare Specialist, Coaldale

Calgary Child Welfare Workers Conference

Claresholm District Office

Crowsnest Pass District Office

Lethbridge District Office

Medicine Hat District Office

Red Deer District Office

Olds District Office

Stettler District Office

Rocky Mountain House District Office

Drumheller District Office

Wetaskiwin District Office

Wainwright District Office

Grande Prairie District Office

High Level District Office

Grande Cache District Office

Edson District Office

Hinton District Office

High Prairie District Office

High Level District Office

St. Paul District Office

Fort McMurray District Office

Whitecourt District Office

Bonnyville District Office

Alberta Family and Social Services, Southern Regional Office

Orientation For New Employees, Edmonton Region

Child Welfare Supervisors and Managers - Family Support District Office, Edmonton Region

Family and Social Services, South Region, Coaldale

Family and Social Services, Calgary Region, Calgary

Family and Social Services,

- Northwest Regional Office, McLennan

Family and Social Services,

Casework Supervisors, South Region

Presentations to Organized Events

Canadian Foster Parent Symposium

Youth in Care Conference

Conference '90 - "Child and Youth Advocacy: Roles and Relationships"

Treaty Seven Conference

Alberta Adoption Conference

Child Care Workers' Conference

V.I.P. Symposium, Calgary

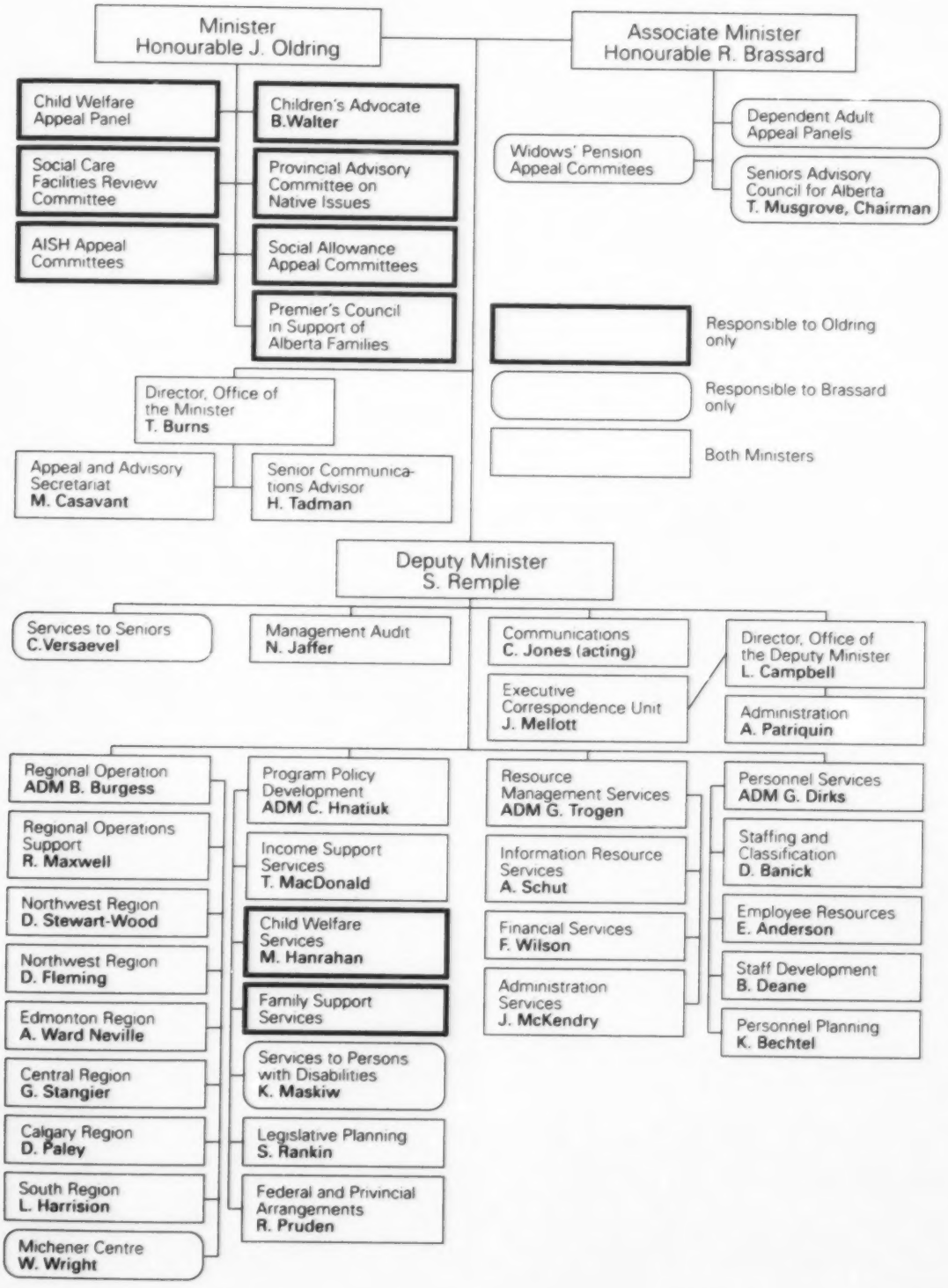
Alberta Adoption Association Conference, Calgary

Social Development Conference - Indian Affairs, Edmonton

Appendix 'C'

Children's Advocate Program

Appendix 'D' Alberta Family and Social Services Organization Chart



Appendix 'E'

The Child Welfare Act

S.A. 1984, c.C-81 as Amended

2.1 (1) The Lieutenant Governor in Council may, on the recommendation of the Minister, appoint a Children's Advocate, who shall hold office for a term not exceeding 5 years.

(2) The Minister may authorize and provide for the payment of the remuneration and expenses of the Children's Advocate and for the office and staff of the Children's Advocate.

(3) The Children's Advocate shall

(a) advise the Minister on matters relating to the welfare and interests of children who receive services under this Act and the provision of those services;

(b) receive, review and investigate complaints or concerns that come to his attention respecting children who receive services under this act;

(c) represent the rights, interests and viewpoints of children who receive service under this Act;

(d) perform additional duties and functions that are conferred on him by the regulations or are from time to time assigned to him by the Minister;

(e) prepare and submit annual reports to the Minister respecting the exercise of the duties and functions of the Children's Advocate;

(3.1) on receiving a report under clause (e), the Minister shall lay a copy of the report before the Legislative Assembly if it is then sitting, and if not, within 15 days after the commencement of the next ensuing sitting.

(4) For the purpose of performing his duties and functions, the Children's Advocate may

(a) communicate with and visit a child who is receiving services under this Act or a guardian or other person who represents the child;

(b) have access to information relating to a child that is in the possession of a director or other person or agency providing services to a child on behalf of a director;

(c) at the request of a child who is receiving services under this Act, the Minister or any person acting on the child's behalf, receive, review or investigate and make recommendations regarding any matter relating to the provision of services to the child under this Act;

(d) provide information relating to, speak on behalf of and otherwise represent a child who is receiving services under this Act when major decisions relating to the child are being made under this Act;

(e) on his own initiative or at the request of a child who is receiving services under this Act, assist in appealing or reviewing a decision of a director relating to the child;

(f) provide assistance and advice to an Appeal Panel or a Court with respect to a child who is receiving services under the Act.

(5) The Children's Advocate may delegate any duty or function conferred or imposed on him under this Act or the regulations in respect of a child

(a) to a person employed or engaged in the administration of this Act, or

(b) to a person who provides care to the child, represents the child or is concerned about the welfare of the child.